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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,478	02/25/2002	John L. Ricci	1065.36	4351

7590 09/08/2005

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EXAMINER

BLANCO, JAVIER G

ART UNIT PAPER NUMBER

3738

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

1. Applicants' cancellation of claims 2, 5, 9, and 10 in the reply filed on June 20, 2005 is acknowledged.
2. Applicants' addition of claims 11-20 in the reply filed on June 20, 2005 is acknowledged.
3. Applicants' amendment of claims 1, 3, 4, and 6-8 in the reply filed on June 20, 2005 is acknowledged.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 3, 4, 6-8, and 11-16, drawn to an article for use in healing of wounds and repair of bone tissue defects, classified in class 623, subclass 23.74.
 - II. Claims 17-20, drawn to a method of repairing a bone defect, classified in class 623, subclass 23.5.
5. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

In the instant case, the method as claimed could be performed with a matrix having an upper surface/side seeded with soft tissue cells, and a bottom surface/side seeded with bone tissue cells. As an alternative, the method as claimed could be performed with a matrix having an

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upper surface/side comprising growth factors specific for soft tissue cells, and a bottom surface/side comprising growth factors specific for bone tissue cells.

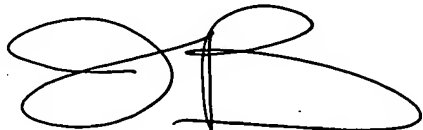
6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (7:30 a.m.-4:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGB



September 2nd, 2005



David H. Willse
Primary Examiner